

ORDINANCE 08-07

AN ORDINANCE BY THE COMMON COUNCIL OF THE CITY OF WESTFIELD CONCERNING AN AMENDMENT TO TITLE 16 – LAND USE CONTROLS

WHEREAS, the City of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Zoning Ordinance; and

WHEREAS, the Westfield-Washington Advisory Plan Commission (“Commission”) considered a petition (docket 0712-REZ-06) filed with the Commission to rezone certain lands; and

WHEREAS, the Commission did take action to forward the requests to the Westfield City Council with a positive recommendation under the provision of IC 36-7-4-605; and

WHEREAS, the Secretary of the Commission certified the action of the Commission to the City Council on February 22, 2008; and

WHEREAS, the Common Council of the City of Westfield is subject to the provision of IC 36-7-4-608(f) concerning any action on this request.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in a regular session that Title 16 of the Westfield Code of Ordinances be amended as follows:

SECTION 1. WC-16.08.04 Zoning Map is amended as follows:

The Zoning Map accompanying and made a part of the Zoning Ordinance is amended to reclassify the Real Estate (Parcel No: 08-10-05-00-00-008.005) generally located to the south and east of where Shady Nook Road terminates at State Route 32 and hereby rezoned from GO – General Office Zoning District to the GB – General Business District inclusive of imposing the attached Zoning Commitments concerning the use and development of the Real Estate submitted by the Indiana Members Credit Union.

SECTION 2. This Ordinance shall be in full force and effect in accordance with Indiana law upon the passage by the Common Council, its publication in accordance with law, and upon the occurrence of any other legally required acts, including passage of any applicable waiting period, all as provided by the laws of the State of Indiana. All ordinances or parts thereof in conflict herewith are hereby repealed.

ADOPTED BY THE Common Council of the City of Westfield, Indiana this 10th day of March, 2008.

**COMMON COUNCIL, OF WESTFIELD
HAMILTON COUNTY, INDIANA**

	AYE	NAY
By: <u>[Signature]</u>	John Dippel	_____
<u>[Signature]</u>	Robert Horkay	_____
<u>[Signature]</u>	Kenneth Kingshill	_____
<u>[Signature]</u>	Bob Smith	_____
<u>[Signature]</u>	Tom Smith	_____
<u>[Signature]</u>	Rob Stokes	_____
<u>[Signature]</u>	Melody Sweat	_____

Approved and signed by the Mayor of the City of Westfield, Hamilton County, Indiana, this 10th day of March, 2008.

[Signature]
J. Andrew Cook, Mayor
City of Westfield, Indiana

ATTEST: [Signature]
Cindy Gossard, Clerk-Treasurer

"I affirm, under the penalties of perjury,
that I have taken reasonable care to redact
each Social Security Number in this
document, unless required by law"

[Signature]
Signed

This ordinance prepared by
Gregory J Anderson, AICP, Director of Community Development

I hereby certify that ORDINANCE 08-07 was delivered to the Mayor of Westfield on the 13 day of March, 2008, at 11:30 Am.

Cindy Gossard
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 08-07
this 13 day of March, 2008.

J. Andrew Cook
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 08-07
this _____ day of _____, 2008.

J. Andrew Cook, Mayor

**WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION
CERTIFICATION**

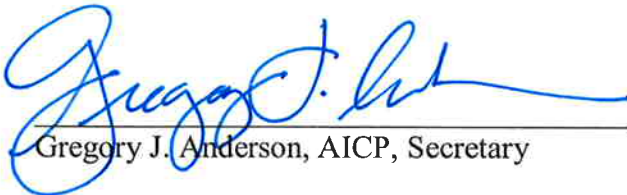
The Westfield-Washington Advisory Plan Commission met on Tuesday, February 19, 2008, to consider proposed rezoning of 5.5 acres from the GO District to the GB District. Notice of public hearing was advertised and noticed and presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposed rezone is as follows:

0712-REZ-06 4005 Westfield Road; Indiana Members Credit Union
requests change in zoning of approximately 5.5 acres
from GO to GB

A motion was made and passed to amend the petition to incorporate the restrictions on uses pertaining to 0712-REZ-06.

A motion was made and passed to send a positive recommendation to the City Council to approve 0712-REZ-06 with the commitments offered by the petitioner.

I, Gregory J. Anderson, AICP, being the Secretary of the Westfield-Washington Advisory Plan Commission, do hereby certify that the above is a true and accurate record of the minutes of the meeting of the Westfield-Washington Advisory Plan Commission held on February 19, 2008.



Gregory J. Anderson, AICP, Secretary

February 22, 2008
Date

Smith stated under old Business, item 4005 Westfield Road, the matter is still open for Public Hearing.

Anderson stated staff has gone through the original report with the petitioner and it has been revised; there were some comments to us; we amended that report and it was enclosed in your packet this evening. Anderson also stated the applicant has been asked to dedicate the trail way system behind this building and also asked the applicant/petitioner to put up escrow monies for construction of their 25% of their dedication. Anderson then reviewed and discussed the use list which has been modified further by staff as well as the Commission. He further stated there are 119 permitted and special exception uses. He further stated the uses in this particular list are project specific and they are uses that area already permitted in the GB district or are already special exceptions within the GB district.

Smith asked the Commission to review the list page by page and state any concerns.

Page One:

Kelleher expressed concern about Boat and Trailer Sales and Service.

Horkay agreed with Kelleher and further stated he would like it removed.

Spoljaric would like Auto Parts Sales and Auto Rental removed.

Horkay agreed with Auto Parts Sales being removed, but could envision Auto Rental.

Horkay expressed concern about Accessory Buildings and Uses.

Page Two:

Kelleher asked for clarification of Charitable Institutions.

Anderson responded Charitable Institutions referred to office space and stated the "office space" could be added.

Kelleher expressed concern about drive in food and beverage businesses; drive ins not allowed in 32 Overlay, but this will be on the Midland, but maybe should be a special exception.

Horkay expressed concern about Commissary Food Catering Service, Department Stores of Any Size, and Custard Stands; he is okay with Day Care although not sure this is an area where you want to bring kids.

Sanders stated his concern regarding Discount Department Stores is the acreage remaining and whether it would be enough space for parking.

Spoljaric expressed concern about Carry-Out Food and Beverage stating it would be good for the trail, but not with a drive in.

Anderson responded Carry-Out Food and Beverage is not an approved use for GB and cannot be added.

Spoljaric asked whether on Drug Stores the size would be limited.

Page Three:

Kelleher stated Exterminators are usually in business parks.

Spoljaric agreed and stated with chemical storage this may not be a good location next to the trail.

Horkay would like to see Grocery Store eliminated.

Anderson responded the thought here was a smaller, specialized grocery and usually less than 5,000 square feet.

Smith stated a grocery store would be a nice corporate resident to have.

Kelleher agreed a small grocery store would be acceptable.

Page Four:

Kelleher questioned Laundry Mat and Self-Service Dry Cleaning.

Sanders agreed with questioning Dry Cleaning due to environmental problems.

Horkay questioned Appliance Stores and Veterinary related uses.

Spoljaric does not see Appliance Stores as a good use in this area.

Page Five:

Sanders believes Newspaper Distribution Center should not be listed in the GB district.

Horkay agreed.

Spoljaric expressed concern about Motorcycle Sales and Service Repair due to the noise and fumes.

Horkay agreed; he further stated Pet-Related uses should be in a different setting.

Page Six:

Horkay believes Root Beer Stands should be removed.

Spoljaric disagreed since this would be along the trail.

Sanders stated that keep certain things off or back a certain distance is fine, but to have a successful trail you have to have safety, first aid, restrooms, and food and beverage. He believes there is a problem in going through this list and being consistent with the trail but trying to keep vehicles out.

Spoljaric was viewing this from the angle of pedestrian uses.

Kelleher asked Anderson if some of these uses could be special exceptions.

Anderson responded cannot interchange permitted uses and special exceptions.

Smith stated Root Beer Stand is out.

Page Seven:

Horkay questioned Tire & Auto Service Centers and Veterinarians.

Smith reviewed the changes to the Use List.

Smith asked if there are any other pending issues regarding 0712-REZ-06.

Anderson responded the covenants, restrictions and conditions were included in order for them to be enforceable.

Smith stated that Councilwoman Melody Sweat provided a proposal to ask the Indiana Members Credit Union to add to their rezone commitments a statement agreeing to have the development of the site built following the future Westfield Trail Overlay Zone Ordinance to be written and adopted in April. She is asking the Indiana Members Credit Union to agree today that when that Ordinance is adopted, they will incorporate it as part of their development. He further stated this is being proposed before us as a suggestion that it be included in the rezone approval process.

Zaiger advised the Commission that no formal action should be taken by the Commission regarding this request.

Smith stated due to the advice of Council and the Planning Director, the item submitted and discussed should not be taken in to account in considering the zoning change.

Public Comment: 8:20 p.m.

The petitioner responded to the discussion of the Use List and stated agreement with the changes made. He further stated they have received inquiries from medical type offices and a mom and pop type hardware store.

Mr. Mic Mead stated his hope that the Commission will allow for some kind of a coffee stand, a sandwich stand, custard stand, root beer stand, etc. along the trail.

Ms. Melody Sweat wanted to mention this area is under development standards in regard to being part of the pedestrian corridor being laid out on the Thoroughfare Plan and it is stated that we encourage development to pedestrian scale. She also agreed with Mead that this is an appropriate place to have some kind of food or drink stand.

Public Hearing closed at 8:29 p.m.

Kelleher moved to amend the petition in incorporate the restrictions on uses covered tonight pertaining to 0712-REZ-06.

Spraetz seconded, and the motion passed 5-2 (Sanders, Spoljaric).

Kelleher moved to send 0712-REZ-06 to the City Council with a positive recommend with the commitments offered by the petitioner.

Horkay seconded, and the motion passed 5-2 (Sanders, Spoljaric).

Exhibit “A”
Property Legal Description

Exhibit A

Legal Description

Part of the Northeast Quarter of Section 5, Township 18 North, Range 04 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Commencing at an iron pin marking the Southwest corner of the Southeast Quarter of Section 32, Township 19 North, Range 04 East; thence on the South line of said Quarter Section, South $89^{\circ}47'02''$ East (assumed bearing) a distance of 114.51 feet (calculated from government record calls) to the Northwest corner of the Northeast Quarter of Section 5, Township 18 North Range 04 East and the POINT OF BEGINNING of the herein described real estate; thence continuing on the North line of said Section 5, South $89^{\circ}47'02''$ East 258.08 feet; thence parallel with the West line of the Northeast Quarter of said Section 5, South $00^{\circ}32'57''$ West 993.59 feet to a point which lies 25.00 feet South, by perpendicular measurement, of the former northerly right-of-way line of the Central Indiana Railroad Company (now abandoned); thence North $88^{\circ}57'16''$ West, parallel with said northerly right-of-way line, 119.99 feet; thence North $00^{\circ}32'57''$ East 25.00 feet to the Southeast corner of land described in a deed to Lyman Brooks, as recorded in Instrument Number 9609644704 in the Office of the Recorder of Hamilton County, Indiana; thence on and along the South line of said Brooks land, also being the northerly right-of-way line of said railroad the following two (2) courses: 1) North $88^{\circ}57'16''$ West 87.55 feet to a point in the West line of said Northeast Quarter Section; 2) continuing North $88^{\circ}57'16''$ West 50.53 feet to the Southwest corner of said Brooks land; thence on the West line of said Brooks, North $00^{\circ}32'55''$ East 964.85 feet to the Point of Beginning; containing a gross area of 5.796 acres, more or less, and a net area, less the State Road #32 right-of-way, of 5.500 acres, more or less; subject to rights-of-way, easements and restrictions.

Exhibit “B”
Zoning Commitments

COMMITMENTS CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE

Indiana Members Credit Union (the "Developer") or its Assigns, makes the following commitments to the Westfield City Council and Westfield-Washington Plan Commission (collectively, the "City") regarding the use and development of the following described real estate located in Hamilton County, Indiana:

Section 1. Description of Real Estate:

See attached Exhibit "A" (hereinafter, the "Real Estate").

Section 2. Docket No.: 0712-REZ-06

Section 3. Statement of Commitments:

A. Building Elevations and Facades.

- (1) All buildings constructed on the Real Estate shall include a minimum of eight (8) exterior corners per 6,000 square feet of gross floor area;
- (2) All buildings constructed on the Real Estate shall include similar roof lines and pitches as that of the Indiana Members Credit Union structure.

B. Pedestrian and Bicycle Facilities.

- (1) In order to provide for construction of the Midland Trace Trail (the "Trail"), the Developer shall take the following actions:
 - i. Dedicate to the City the portion of the Real Estate formerly part of the Central Indiana Railroad right-of-way (the "Trail Property");
 - ii. Provide the City with a certified survey of the Trail Property;
 - iii. Install (the "Installation Option"), or cause the installation of, the Trail on the Trail Property to the City's specifications and standards, as amended, OR pay (the "Payment Option") \$75 per linear foot to the City for the cost (the "Construction Costs") of constructing the portion of the Trail to be built on the Trail Property;
 - iv. If the Installation Option is selected, dedication of the Trail Property shall occur prior to approval of a Development Plan application on the Real Estate (as defined in WC 16.04.165) and the Trail shall be installed in coordination with the City's construction schedule for the Trail;
 - v. If the Payment Option is selected, payment of the Construction Costs and dedication of the Trail Property shall occur prior to the approval of a Development Plan application on the Real Estate (as defined in WC 16.04.165).

C. Site Amenities and Improvements.

- (1) Crosswalks within paved parking areas and abutting internal drives shall be articulated by color or texture change;

(2) One (1) bicycle parking space for 2,500 square feet of commercial space (office or retail) shall be provided on the Real Estate;

- i. Bicycle parking shall be provided within six hundred (600) feet from the main entrance of the building served;
- ii. Bicycle parking spaces shall include a fixed and permanent structure, frame, rack, or other permanent facility for locking and securing parked bicycles.

D. Site Access and Circulation.

- (1) An access easement traversing the property east to west shall be located south of the northern outlot, as depicted on the attached concept plan (Exhibit "B");
- (2) Such easement shall be recorded with the Hamilton County Recorder's Office prior to receiving a Certificate of Occupancy.

E. Permitted Uses.

- (1) See attached Exhibit "C".

F. Covenants and Restrictions.

- (1) That the Declaration of Protective Covenants and Restrictions, recorded with the Hamilton County Recorder's Office on August 30, 2006, are hereby incorporated (Exhibit "D").

Section 4. Binding Effect

- A. These commitments are binding upon the Developer, each subsequent owner of the Real Estate and each other person acquiring an interest in the Real Estate, unless modified or terminated.
- B. These commitments may be modified or terminated only by a majority decision of the Westfield City Council.

Section 5. Effective Date

The commitments contained herein shall be effective upon adoption of an ordinance by the City Council of Westfield, Indiana assigning the requested GB zoning district classification to the Real Estate identified in Docket No. 0712-REZ-06.

Section 6. Recording

The undersigned hereby authorizes the City to record these commitments in the Office of the Recorder of Hamilton County, Indiana.

Section 7. Enforcement

These commitments may be enforced by the City Council of Westfield, Indiana.

IN WITNESS WHEREOF, Indiana Members Credit Union, has caused this commitment to be executed as of the _____ day of _____, 2008.


By: _____,
Indiana Members Credit Union

Exhibit A

Legal Description

Part of the Northeast Quarter of Section 5, Township 18 North, Range 04 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Commencing at an iron pin marking the Southwest corner of the Southeast Quarter of Section 32, Township 19 North, Range 04 East; thence on the South line of said Quarter Section, South $89^{\circ}47'02''$ East (assumed bearing) a distance of 114.51 feet (calculated from government record calls) to the Northwest corner of the Northeast Quarter of Section 5, Township 18 North Range 04 East and the POINT OF BEGINNING of the herein described real estate; thence continuing on the North line of said Section 5, South $89^{\circ}47'02''$ East 258.08 feet; thence parallel with the West line of the Northeast Quarter of said Section 5, South $00^{\circ}32'57''$ West ~~993.59~~ feet to a point which lies 25.00 feet South, by perpendicular measurement, of the former northerly right-of-way line of the Central Indiana Railroad Company (now abandoned); thence North $88^{\circ}57'16''$ West, parallel with said northerly right-of-way line, 119.99 feet; thence North $00^{\circ}32'57''$ East 25.00 feet to the Southeast corner of land described in a deed to Lyman Brooks, as recorded in Instrument Number 9609644704 in the Office of the Recorder of Hamilton County, Indiana; thence on and along the South line of said Brooks land, also being the northerly right-of-way line of said railroad the following two (2) courses: 1) North $88^{\circ}57'16''$ West 87.55 feet to a point in the West line of said Northeast Quarter Section; 2) continuing North $88^{\circ}57'16''$ West 50.53 feet to the Southwest corner of said Brooks land; thence on the West line of said Brooks, North $00^{\circ}32'55''$ East ~~964.83~~ feet to the Point of Beginning; containing a gross area of 5.796 acres, more or less, and a net area, less the State Road #32 right-of-way, of 5.500 acres, more or less; subject to rights-of-way, easements and restrictions.



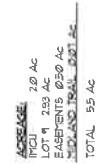
ROBERT E. BEAMAN #3778

PROJECT NO.: 0311 G
DRAWN BY: mlc
CHK BY:
DATE: NOVEMBER 13TH, 2007
REVISIONS:
M.L.C. FEB. 07, 2008 / ACCESS EAST.

4005 WESTFIELD ROAD, WESTFIELD, INDIANA

PROPOSED OUT LOT PLAN

S-02



•	Mail Box	•	Deciduous Tree
⌘	Storm Inlet	■	Electric Box
⌘	Sign	⌘	Telephone Pedestal
⌘	Water Meter	△	Metal End Section
⌘	Sanitary Sewer	△	Flow Optics Marker
⌘	Utility Pole	•	Curb Inlet
•	Post/Bollard	—○—	Fence Line
—	Guy Anchor	—●—	Gas Line
—	Power/Utility Pole	—■—	Storm Sewer Line
⌘	Water Valve	—■—	Overhead Electric
⌘	Head Poles	—■—	Buried Telephone Lines
⌘	Surface Drains	—■—	Water Lines

NOTE: OWNER TO INSTALL A PEDESTRIAN PATH FROM THE CREDIT UNION PARKING LOT TO THE MIDLAND TRAIL WHEN THE MIDLAND TRAIL PROJECT IS DEVELOPED.



Zoning Districts All Inclusive Land Usage Chart		GB		
Land Use		Permitted Uses	Special Exceptions	Permitted Home Occupations
Abattoir (slaughterhouse)				
Accessory buildings and uses customarily incidental to any of the permitted uses				
Accessory Buildings as related to Agriculture - Non-Subdivision				
Accessory Buildings as related to Single Family dwellings				
Accessory Buildings related AG or Large Lot SFR				
Accessory Structures as related to the Single Family (SF-A) and owned by the Home Owners Association				
Advertising and buisness signs, fabrication				
Agriculture				
Airports & Landing Fields				
Airports and Landing Fields				
Amphitheaters				
Amusement parks				
Antiques		•		
Any outdoor food and beverage business				
Apartment-Hotels, Motels, Hotels				
Art School		•		
Art Studio		•		
Artisan school		•		
Assembly Halls				
Assembly Operations of Pre- Manufactured Parts, Components				
Assembly, Repair & Manufacture of Light Component Parts				
Assisted living facilities				
Atomic power plants				
Auction rooms				
Auditoriums				
Auto parts sales				
Auto race tracks and speedways				
Auto rental (Maximum of six vehicles on-site)		•		
Auto repair garage				
Auto rustproofing				
Auto sales, new or used, service and repair				
Auto storage				
Auto wrecking or shredding				
Bakeries				
Banks and Savings & Loan Assn.		•		
Barber and Beauty Schools		•		
Barber and Beauty Shops		•		
Beauty Shop - One Chair				
Bicycle Sales, Rental & Service		•		
Billiard Parlor				
Blueprinting, photocopying job printing		•		
Boarding & Lodging Houses				
Boat and Traller Sales & Service				
Book stores		•		
Book stores, adult				
Bottling of Alcoholic and Non-Alcoholic Beverages				
Bowling Alley				
Bulk Storage, Petroleum Prod.				
Bus stations				
Business and Clerical Schools		•		
Business conducted entirely by mail				
Camera Stores		•		
Canning, Bottling, Processing & Packaging of Food				

Zoning Districts All Inclusive Land Usage Chart		GB		
Land Use		Permitted Uses	Special Exceptions	Permitted Home Occupations
Car Wash (Indoor)				
Carry out food and beverage business (excluding drive-in or drive-through services)				
Caskets and casket supplies (mortuary)				
Cemetery monument sales				
Cemetery monuments and tombstones manufacture (including engraving)				
Cemeteries				
Cemeteries - Pet				
Charitable Donation Pick-Up Station				
Charitable Institutions (<i>Office Space Only</i>)		•		
Child Care Home - in accordance with IC 36-7-4-1108				
China and Glassware Shops		•		
Christmas Tree Sales			•	
Churches		•		
Civic Centers		•		
Civic Clubs		•		
Cluster homes				
Coal yards				
Coffee Roasting				
Coin Shops		•		
Coke manufacturing				
Commercial compositing facilities				
Commercial parking lots and structures, public				
Commissary, food catering service				
Concrete contractors - heavy commercial				
Concrete Mixing - Permanent				
Consumer Service Offices		•		
Convents, Monasteries, Theological Schools, Rectories and Parish Houses				
Crating and packaging service				
Credit Union Offices		•		
Creosote manufacturing and treatment				
Custard Stands				
Dancing Schools		•		
Data Processing		•		
Day Care Centers			•	
Day care facilities			•	
Delicatessen		•		
Dentists		•		
Department Stores - Over 10,000 Sq. Ft.				
Department Stores - Under 10,000 Sq. Ft.				
Discount Stores - Over 10,000 Sq. Ft.				
Discount Stores - Under 10,000 Sq. Ft.				
Distributors - inside storage				
Distributors - Outside Storage				
Dressmaking				
Drive-in food and beverages business				
Drug Stores		•		
Dry Cleaning & Laundry Pickup		•		
Educational Institutions Public and Private		•		
Electrical contractors - heavy commercial				
Electrical supply store		•		
Embalming school				
Employment Agencies		•		
Engineering and Research Labs				
Exhibition Halls				
Explosive, matches and fireworks manufacturing				

Zoning Districts All Inclusive Land Usage Chart		GB		
Land Use		Permitted Uses	Special Exceptions	Permitted Home Occupations
Exterminators				
Fabric Shops		•		
Farm implement sales and service				
Farms and Farm Bldgs for Livestock and Crops				
Fat rendering and fertilizer manufacturing				
Feed stores				
Financial institutions		•		
Fire Stations		•		
Floor Coverings		•		
Florists		•		
Foundries				
Four-unit single family attached dwellings				
Fraternities and Lodges			•	
Frozen food stores and lockers				
Fruit Stands, Permanent				
Fruit stands, temporary				
Furniture Stores		•		
Furrier Shops		•		
Galleries		•		
Garden and lawn materials and supply stores				
Gasoline service stations				
General business and professional offices		•		
General construction company				
Gift Shops		•		
Glass fabrication and installation				
Glue manufacturing				
Golf Courses				
Golf Courses, Country Clubs				
Government offices - universities		•		
Granaries, Grain Processing, Starch Manufacturing				
Greenhouses, Retail				
Grocery Stores		•		
Hardware Stores		•		
Hazardous waste facility				
Health, Fitness, and Exercise Center		•		
Heliports				
Hobby Shops		•		
Home Garage Sales not to exceed 7 days per year				
Home remodeling company				
Home remodeling supplies and materials				
Homebound Schools for 12 or less children inclusive of residents				
Hospices				
Hospitals (minor), medical and dental clinics and labs		•		
Hospitals, Major				
Ice and coal stations				
Industrial laundry and dry cleaning plants				
Industrial schools & training facilities				
Insurance companies				
Insurance Offices		•		
Interior Decorating		•		
Jewelry Stores		•		
Kennels				
Kennels - Including Outdoor Runs				
Lake Developments - Recreational				
Language Schools		•		

Zoning Districts All Inclusive Land Usage Chart		GB		
Land Use		Permitted Uses	Special Exceptions	Permitted Home Occupations
Large Animal Hospitals				
Laundromats and Self-Service Dry Cleaning				
Lawyers		•		
Leather curing and tanning				
Leather products manufactured from finished leather				
Libraries		•		
Liquor Stores				
Liquor stores and taverns				
Livestock Auction Sale Barns				
Loan Offices		•		
Locksmith shops		•		
Luggage Stores		•		
Lumber yards - including millwork				
Machine, Welding, Tool and Die Shops				
Mail Order Store		•		
Major Appliance Store				
Malt products, brewery, distiller of liquor and spirits				
Manufactured home parks (in accordance with provision of WC 16.04.090)				
Manufacturing of cement, lime and gypsum				
Manufacturing of chemicals and gasses				
Manufacturing of detergents and soaps				
Manufacturing representatives offices				
Material recycling facilities (MRFs)				
Mattress Mfg. & Upholstering				
Medical or veterinarian offices		•		
Mfg. & Assembly of Communication Equipment				
Mfg. & Assembly of Major Household Appliances				
Mfg. & Assembly of Marine Equipment				
Mfg. & Assembly of Office Equipment				
Mfg. of Boiler Tanks				
Mfg. of Cabinets				
Mfg. of Cans and Containers				
Mfg. of chemicals and gases				
Mfg. of Cloth Products from Finished Cloth				
Mfg. of explosives, matches and fireworks				
Mfg. of Furniture				
Mfg. of Glass & Glass Products				
Mfg. of glue				
Mfg. of Jewelry, with Retail		•		
Mfg. of Jewelry, without Retail				
Mfg. of Musical Instruments				
Mfg. of Non-Alcoholic Beverages				
Mfg. of Office Machinery				
Mfg. of Optical Goods				
Mfg. of Paper Boxes and Paper Products From Finished Paper				
Mfg. of Portable Household Appliances, Electric Hand Tools, etc.				
Mfg. of Railroad Equipment, Repair and Service				
Mfg. of Recording Instruments, Phonograph Records, etc.				
Mfg. Tools, Implements, Machinery				
Milk Processing, Bottling & Mfg. of Milk Products				
Millinery		•		
Miniature Golf, Archery, Driving Range, Trampoline Centers				
Mobile home parks - in accordance with the provisions of WC 16.04.090				
Mobile home sales				
Model display homes and garages				

Zoning Districts All Inclusive Land Usage Chart		GB		
Land Use		Permitted Uses	Special Exceptions	Permitted Home Occupations
Mortuaries				
Motor Truck Terminals				
Motorcycle Sales, Service and Repair				
Multi-family housing				
Multi-family housing (2 units or more with MF1 standards)				
Multi-family housing (3 units or more with MF1 standards)				
Municipal or government buildings		•		
Museums		•		
Music Schools		•		
Music, Records, Instruments		•		
Newspaper distribution station				
Newspaper publishing				
Night clubs, bars and restaurants which have less than 50% of their proposed gross sales derived from food sales				
Nurseries - Plants, Retail				
Nurseries, Greenhouses, Truck Gardens, Farms or related products produced and sold on-site				
Nursing Homes				
Office building - general purpose		•		
Office/warehouse buildings				
Oil processing, refining and manufacturing				
Open hearths and blast furnaces				
Optometrists		•		
Outdoor Advertising Signs, Mfg. and Construction				
Outdoor theatres				
Paint and Wallpaper Stores		•		
Painting and decorating contractors - heavy commercial				
Personal Motor Vehicle Sales not to exceed 2 / year				
Pet Grooming				
Pet Obedience Schools				
Pet Shops				
Pharmaceutical, Medicine, & Cosmetic Mfg.				
Philanthropic Institutions				
Photography School		•		
Photography Studio		•		
Photography Supplies		•		
Physicians		•		
Picture Framing		•		
Plumbing contractors - heavy commercial				
Plumbing showrooms and shop		•		
Police stations		•		
Post offices		•		
Printing and Photocopying, Small Jobs		•		
Private Clubs, Lodges				
Production of Concrete Blocks, Shapes, Cinder Blocks, etc.				
Production of emulsified asphalt and preparation of asphaltic concrete paving materials				
Professional and technical schools		•		
Professional Office of Clergyman, lawyer, architect, accountant, or counselor				
Public and Private Camps				
Public or Private Schools		•		
Public or Private Schools with Dormitories				
Public Parks				
Public Parks				
Radio and TV service		•		
Radio, Facsimile, TV, Micro-Wave Towers				
Railroad and other mass transit right of way and track				
Raising Animals for biological purposes				

Zoning Districts All Inclusive Land Usage Chart		GB		
Land Use		Permitted Uses	Special Exceptions	Permitted Home Occupations
Raising animals for furs and pets				
Raising Animals for furs or pets				
Raising small				
Real estate offices		•		
Recycling collector system				
Reduction plants				
Repairing, Servicing or Refurbishing equipment or parts, excluding motor vehicles				
Residential Facility for the Mentally Ill in accordance with IC 12-28-4-7				
Restaurants - drive-in and carry out food and beverage stores				
Restaurants and Cafeterias Having Less Than 50% of Gross Sales Derived From Food Sales Excluding Drive-Ins		•		
Restaurants and Cafeterias Having More Than 50% of Gross Sales Derived From Food Sales Excluding Drive-Ins		•		
Restaurants With Live Entertainment				
Riding Academies				
Riding Stables				
Rock crushing, grinding or milling				
Roller & Ice Skating Rinks				
Roofing contractors - heavy commercial				
Root Beer Stands				
Salt storage outside				
Sand, gravel, or aggregate processing				
Sanitariums				
Schools - Public or Private - without dormitory accommodations				
Schools and Kindergartens		•		
Scrap metal, junk or salvage storage				
Secondary Food Processing and Packaging & (Initially Processed off the Premises)				
Self service food and beverage business				
Self-Service Car Wash				
Semi-Automatic Car Wash				
Septic system contractors				
Sewing Machine Sales & Service		•		
Sheet metal contractors - heavy commercial				
Shoe Repair		•		
Shoe Stores		•		
Signs as permitted by Ordinance				
Single Family Dwellings				
Single Family Dwellings on Large Lots				
Single Family with minimum SF4 standards				
Slaughter house				
Slaughtering and allied food processing				
Sporting Goods		•		
Stables (3 acres or more in size)				
Stamping & Fabricating Metal Shops				
Stationery Stores		•		
Stockyards - for shipping, holding and sale of animals				
Storage and transfer (household goods)				
Storm doors, windows, awnings, siding contractors - manufacture				
Structural Steel Fabricating				
Tar, tar paper products - manufacture and processing				
Taverns			•	
Taxidermist				
Taylor or Seamstress		•		
Teaching - Such as musical instruments or dancing				
Temporary buildings for construction purposes				
Tennis & Swim Clubs				
Tennis and swimming clubs				

Zoning Districts All Inclusive Land Usage Chart		GB		
Land Use		Permitted Uses	Special Exceptions	Permitted Home Occupations
Tennis Facilities				
Testing laboratories				
Theaters - Indoor				
Thermal, electric, steam and atomic power plants				
Three-unit single family attached dwellings				
Tire and auto service center				
Tire recapping				
Tobacco Shops		•		
Tool and light equipment rental				
Toy Stores		•		
Trailer Rentals				
Travel Bureaus		•		
Travel Trailer Sales & Rentals				
Truck cleaning, service, rental and repair				
Truck companies				
Two-unit single family attached dwellings				
Typewriter Sales, Rental and Service		•		
Typing or other office services				
Upholsters		•		
Utilities - Not Regulated by Indiana Utility Regulatory Commission				
Utilities (as regulated by IURCor Westfield)				
Utilities-Regulated by Indiana Utility Regulatory Commission				
Veterinarians - Small Animals, No Outdoor Runs		•		
Warehouse - inside storage				
Warehousing & Distribution Operations (Outside Storage)				
Wearing Apparel & Accessory Shops				
Well Drilling				
Wholesalers - inside storage				
Wireless communication service facilities (including cell towers)				
Zoos				
		99		
		52%		

37.00
 2.00 nonc
DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS

THIS DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS is made and entered into this 29th day of August, 2006, by Indiana Members Credit Union (hereafter "IMCU").

WITNESSETH:

RECITALS

Declarant is the owner of certain property located in the City of Westfield (Hamilton County), Indiana, more particularly described on Exhibit A attached hereto as a part hereof (hereinafter referred to as the "Property") consisting of 5.8 acres more or less. Any parcel within the Property owned a person or entity other than Declarant shall be hereinafter referred to as an "Outparcel".

The Declarant desires to create on the Property and any additions thereto a commercial and business center and desires to provide for the preservation and enhancement of property values and opportunities within the Property and for the maintenance of the real estate and improvements thereon, and to this end desires to subject the Property to the covenants, restrictions, easements, charges and liens hereinafter set forth.

DECLARATION

NOW, THEREFORE, the Declarant hereby declares that the Property and any additional property that may subsequently be subjected to this Declaration by Declarant is and shall be held, transferred, sold, leased, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens hereinafter set forth. This Declaration shall run with the Property and every part thereof and shall be binding upon and inure to the benefit of all Owners, lessees, licensees, Occupants and their successors as set forth in this Declaration.

**ARTICLE I
PURPOSE**

1.01. It is the purpose of this Declaration to assure the orderly and attractive development of the Property in an efficient and harmonious manner, to preserve and enhance property values and opportunities within the Property, to promote the health and safety of the Occupants and to maintain a harmonious relationship for the structures and topography on the Property and additional landscaping planted thereon. The Declaration is designed to complement the local and state government regulations and ordinances applicable to the Property, and where conflicts occur, the more rigorous requirement shall prevail.

**ARTICLE II
PROHIBITED USES**

200600051280
 Filed for Record in
 HAMILTON COUNTY, INDIANA
 JENNIFER J HAYDEN
 08-30-2006 At 01:03 pm.
 DEC COV RES 27.00

2.01. PROHIBITED USES.

A. No portion of the Property shall be used for any of the following uses:

1. The conduct of any sexually oriented business, including but not limited to a massage parlor, an adult nightclub or movie house, or an adult bookstore or other business engaged in the sale or display of pornographic material (as determined by community standards for the area in which the Property is located).
2. A nightclub, dance hall, or disco.
3. A billiard or bingo parlor.
4. A flea market.
5. A funeral home.
6. A facility for the sale of paraphernalia for use with illicit drugs.
7. An off-track betting parlor.
8. A carnival, amusement park or circus.
9. A facility for the sale or rental of used goods (including, without limitation, thrift shops, secondhand stores, or consignment stores).
10. Single-family residential dwellings.

B. No portion of any Outparcel shall be used for any bank, credit union or financial institution.

C. No communication towers, satellite earth stations, satellite dishes or antennae, or exterior radio/TV antennae shall be permitted on any Outparcel without the prior written consent of the Declarant (the "Declarant"), which consent may be conditioned or withheld in the Declarant's sole and unfettered discretion.

D. Approval from any public agency notwithstanding, no operation will be permitted which creates objectionable noise, smoke, odors or which in any other way, in the opinion of the Declarant, will constitute a nuisance or degrade the value of the real estate within the Property.

E. No rubbish or debris of any kind shall be placed or permitted to accumulate upon or adjacent to any Parcel, except in approved waste containers in screened areas in locations at the rear or sides of Buildings approved by the Declarant.

ARTICLE III OUTPARCEL DEVELOPMENT AND OPERATION

The provisions of this Article III shall apply to the construction or Improvements on any Outparcel and to the operation of any Outparcel.

3.01. **PLAN APPROVAL REQUIRED.** No Improvement shall be constructed, erected, placed, altered, added to, maintained or permitted to remain on any Outparcel until the plans shall have been submitted to and approved in writing by the Declarant. Such approval will not be unreasonably denied.

3.02. **BUILDING LOCATION.** Building design in terms of massing, scale, color and circulation shall be compatible with adjacent Buildings and with the total development of the Property. Orientation of uses shall be based upon site considerations, uses of adjoining Buildings, visual impact and visibility from adjoining roadways, and overall circulation patterns.

3.03. **AUTOMOBILE PARKING.**

A. On-Parcel Parking Required. The Owner of each Outparcel shall provide adequate automobile parking in such Owner's Outparcel capable of accommodating the reasonable parking needs of its employees, visitors and company vehicles. It shall be the responsibility of each Owner to prevent its employees, lessees, agents, contractors, customers and visitors from using the parking facilities of other Owners. No use of activity shall be permitted on any Outparcel of the Property unless adequate parking is provided on the Outparcel.

B. Parking Area Standards. Parking areas on all Outparcels shall be paved with asphalt or concrete and shall have concrete curbs around their perimeter. Other special paving materials may be used to accent special entrance areas or walkways, if approved by the Declarant. All striping shall be white or yellow except approved by the Declarant or otherwise required by law. Where needed to protect landscaped areas, wheel stops shall be installed.

3.04. **OUTSIDE STORAGE.** No outside storage of any type will be permitted without written approval of the Declarant. When such approval is given, the outside storage area shall be totally enclosed with a screen approved by the Declarant so that storage is not visible from the neighboring Buildings, property or streets.

3.05. **LANDSCAPING.**

A. Landscape Plan. All open areas on each Outparcel not occupied by Buildings and paved areas shall be suitable graded and drained and shall be landscaped with lawns, trees and shrubs. Underground irrigation systems shall be required for all grass and landscaping, and irrigation systems shall be maintained in good working order at all times.

B. Maintenance. All landscaping on each Outparcel, including landscaping located within any easements reserved herein, shall be properly and professionally maintained by the Owner of the Outparcel, which maintenance shall include all necessary cutting, trimming, watering, fertilizing, aerating, seeding, spraying, pruning and require placements of dead vegetation. Dead or damaged planting material shall be promptly removed and, except for seasonal plantings removed after the first killing frost until April 1 of the following year,

replaced. In the event said Outparcel maintenance is not performed, Declarant shall, after notification, perform any required maintenance and Owner of Outlet shall be responsible for reimbursing Declarant for said landscaping maintenance.

3.06. MAINTENANCE. No Building or other Improvement on any Outparcel shall be permitted by its Owner or Occupant to fall into disrepair, and each such Building and other Improvement shall at all times be kept in good condition and repair, properly maintained and adequately painted or otherwise finished, clean and safe. All exterior surfaces shall be cleaned and painted regularly including removal of graffiti. Trash shall be kept in approved receptacles and any loose trash or debris shall be promptly removed including cleaning or wooded or landscaped areas. No damaged, faded or obsolete sign shall be allowed to remain on any Outparcel. All asphalt or concrete paved surfaces shall be regularly swept and maintained and shall be resurfaced or sealed as needed. All potholes shall be promptly repaired. Snow and ice shall be cleared by the end of the first full business day after any storm. All sand, salt and other chemicals shall be removed and paved areas cleaned after any snow or ice has melted as necessary to keep such areas free of excess sand, salt or other chemicals and in all events such areas shall be cleaned by April 1 of each year.

3.07. STORM DRAINAGE, TRAIL AND ROADWAY

A. Easements. The Declarant hereby grants, reserves, and declares for the benefit of the IMCU Lot and all Outparcels and any subdivisions thereof a perpetual, non-exclusive easement to (a) sanitary sewer and to (b) discharge storm water into the detention pond and the storm water easement, and Declarant reserves the right to use the said (a) sanitary sewer and (b) detention pond and easement.

Declarant also hereby grants, reserves, and declares for the benefit of said Outlots a perpetual, non-exclusive right to use the roadway easement as described in the recorded roadway easement between Charles S. Roudebush and Indiana Members Credit Union.

Declarant reserves a pedestrian easement through all Outparcels for the purpose of access to the Midland Trace by members, employees and guests of Indiana Members Credit Union as required by the Westfield Plan Commission. This easement shall be provided by an internal walking trail that connects Declarant's property with the Midland Trace. This walking trail may also be used by guests and employees of all Outparcels.

Each Outparcel shall ensure that all neighboring Outparcels on the Property have access to all utilities.

B. Maintenance. Declarant shall maintain the Detention Pond, storm water easement and roadway easement, with the cost of such maintenance to be shared by the Owners of Outparcels for which building permits for the construction of Improvements involving impervious cover have been issued. Declarant shall be entitled to reimbursement from such Owners for such Owner's shares of the cost of such maintenance, such shares to be in proportion to the acreage contained in such Parcels.

3.08. RESUBDIVISION. No Owner may subdivide any Outparcel without the prior written consent of the Declarant, which consent may be granted or withheld in Declarant's sole, unfettered discretion. The Declarant may provide for the right of an Owner to subdivide an

Outparcel in the deed conveying such Outparcel and such approval shall remain effective for the period of time provided in such deed.

ARTICLE IV ASSIGNMENT BY DECLARANT; ADMINISTRATION OF DECLARATION

4.01. AUTHORITY. The Declarant shall have the right to assign its rights hereunder to any purchaser of all or any portion of the Property by written instrument recorded in the land records of Hamilton County, Indiana. No such assignment shall be deemed to have occurred by virtue of Declarant's conveyance of all or any portion of the Property unless and until such assignment is recorded.

4.02. LIABILITY FOR ASSESSMENTS. The assessments and charges due hereunder, together with interest thereon and costs of collections thereof, as hereinafter provided, shall be a charge on the land and Improvements thereon and shall be a continuing lien upon the Parcel against which each such assessment is made. Each such assessment, together with any interest, costs and reasonable attorney's fees, shall also be the personal obligation of the Person who was the Owner of such Parcel at the time when the assessment fell due.

4.03. REMEDIES IN EVENT OF DEFAULT. If any assessment or charge is not paid within thirty (30) days after the due date, the assessment or charge shall bear interest from the due date at the Default Rate, as hereinafter defined. If an assessment or charge is not paid by the due date, it shall become delinquent and the party to whom such assessment is due (the "Collecting Party") may thereafter send a notice of such delinquency, stating that is the delinquent assessment or charge is not paid in full within thirty (30) days after the date of such notice, the Collecting Party shall thereafter file a written notice of such delinquency (the "Lien Notice") among the land records of Hamilton County to evidence the lien upon the Parcel against which the Owner personally obligated to pay the same, to collect such indebtedness and to enforce including the filing of the Lien Notice, shall be added to the amount of the assessments or charges due. No Owner may waive or otherwise escape liability for the assessments or charged provided for herein by non-use of the Detention Pond or abandonment of his Parcel.

4.04. SUBORDINATION OF LIEN TO MORTGAGES. The lien of the assessments and charges provided for herein shall be subordinate to the lien of any Mortgage made in good faith and for value. Sale or transfer of any Parcel shall not affect the assessment lien. However, the sale or transfer of any Parcel pursuant to a foreclosure or any deed or assignment in lieu thereof, shall extinguish the lien of such assessments and charges as to payments thereof which became due prior to such sale or transfer. No sale or transfer, however, shall relieve the grantee from liability for any assessments and charges which thereafter become due or from the lien thereof, or shall relieve the indebtedness of the Owner against whom such assessments or charges were originally assessed.

ARTICLE V DURATION, MODIFICATION AND REPEAL

5.01. DURATION OF PROTECTIVE COVENANTS. This Declaration shall continue and remain in full force and effect at all times with respect to the Property and each part thereof (subject, however, to the right to amend, vacate and repeal as provided for herein) for a period of thirty (30) years from the date of recordation of this Declaration among the land records of Hamilton County, Indiana, and shall be automatically extended thereafter for successive periods of ten (10) years each, subject to termination as provided below.

5.02. TERMINATION AND MODIFICATION. This Declaration, or any provisions hereof, may be terminated, modified or amended, or this Declaration may be vacated as to a portion of the Property, with the written consent of the Owners of at least sixty-five percent (65%) of the Property; provided, however, that so long as Declarant owns or occupies at least ten percent (10%) of the Property, no such termination, amendment or modification shall be effective without the written approval of Declarant.

ARTICLE VI MISCELLANEOUS

6.01. EFFECT OF INVALIDATION. If any provision of this Declaration is held to be invalid or unenforceable by any Court, the invalidity of such provision shall not affect the validity of the remaining provisions of this Declaration, which shall continue unimpaired, in full force and effect and shall be construed to the fullest extent practicable as if such invalid or unenforceable provisions had not been included in this Declaration.

6.02. NOTICE. Any and all notices or other communication required or permitted by this Declaration or by law to be served on or given to Declarant shall be in writing and shall be deemed duly served and given when personally delivered, or in lieu of such personal service, when sent by reputable overnight courier, or when deposited in the United States mail, first-class postage prepaid, certified or registered mail, return receipt requested, addressed to Declarant as follows:

Indiana Members Credit Union
5103 South Madison Avenue
Indianapolis, IN 46227

6.03. INTERPRETATION. This Declaration shall be interpreted for the mutual benefit and protection of the Owners and Occupants of the Property and in furtherance of the basic goals of this Declaration. Any discrepancy, conflict or ambiguity which may be found herein shall be resolved and determined by the Declarant and, in the absence of an adjudication by a court of competent jurisdiction to the contrary, such resolution and determination shall be final.

6.04. CAPTIONS. The table of contents, paragraph headings and captions appearing in this Declaration are inserted only as a matter of convenience and for reference and in no way limit or otherwise affect the scope, meaning or effect of any provisions of this Declaration.

6.05. GOVERNING LAW. This Declaration shall be construed and enforced in accordance with the laws of the State of Indiana.

IN WITNESS WHEREOF, the Declarant has caused this Declaration to be executed on its behalf by its duly authorized officer.

INDIANA MEMBERS CREDIT UNION


By 
Vice President



STATE OF INDIANA

COUNTY OF MARION

The foregoing instrument was acknowledged before me this 29th day of August, 2006 by Michael L. Miller, Vice President of Indiana Members Credit Union, on behalf of the corporation.

, Notary Public
Resident of Marion County, IN
My Commission Expires: 8/13/09

**WESTFIELD / WASHINGTON
ADVISORY PLAN COMMISSION**

Petition Number	0712-REZ-06
Approximate Address	4005 Westfield Road
Petitioner	Indiana Members Credit Union
Request	Change in zoning from the GO District to the GB District
Current Zoning	GO
Approximate Acreage	5.5 Acres
Site History	0603-DP-03 Development Plan for existing bank 0603-SIT-02 Site Plan for existing bank
Exhibits	1) WCD Staff Report, 01/28/08 2) Written Commitments, 01/17/08 3) Petitioner's Exhibits, 11/14/07

PETITION HISTORY – FEBRUARY 19, 2008

This petition appeared before the Westfield Town Council for initial consideration at the December 10, 2007 Town Council meeting and was forwarded to the Westfield / Washington Advisory Plan Commission (APC) for a public hearing.

The APC held the public hearing on this petition on January 28, 2008. At that meeting, the petition was forwarded to the February 4, 2008 APC Workshop meeting for further discussion. At the February APC Workshop meeting, the petition was forwarded back to the February 19, 2008 APC meeting for recommendation to the City Council.

PROCEDURAL

- The public hearing was held on January 28, 2008; an additional public hearing is not required.
- The APC has the option to recommend approval, recommend approval with proposed changes or conditions, recommend denial, or refer this request to the APC Workshop Meeting, scheduled for March 3, 2008, for further consideration if deemed necessary.

REQUEST

The proposed change in zoning would provide for the inclusion of the subject site within the General Business (GB) District, which would allow for the development of the subject site as a commercial integrated center.

INTRODUCTION

The request concerns an area of land generally located to the south and east of where Shady Nook Road terminates at State Road 32. The subject site is comprised of one

parcel and consists of approximately 5.5 acres.

The subject site is located within the GO District. The subject site is improved with a bank facility, Indiana Members Credit Union (0603-DP-03), which was approved for development on June 26, 2006.

The subject site abuts the public right-of-way of State Road 32 to the north. Access to the subject site is provided by a single access point from the south side of the State Road 32 right-of-way. The subject site also abuts the future Midland Trace Trail to the south.

Property abutting the subject site to the north and east is zoned General Office (GO). The property abutting the subject site to the north is improved with single-family dwellings. The property abutting the subject site to the east is unimproved, and is used agriculturally. Property abutting the subject site to the south is zoned SF-3, and is improved with the Crestview subdivision. Property abutting the subject site to the west is zoned Local Business - Planned Development (LB-PD), is unimproved, and is occupied by a dense stand of mature trees.

PUBLIC POLICIES

Comprehensive Plan

The Land Use Concept Map of the Amended Westfield-Washington Township 2020 Plan identifies the subject site as located in a “Local Commercial” area (pg. 23). The Comprehensive Plan states that local commercial development should be located “only in planned centers and only on streets classified as arterials...” (pg. 47). It further identifies community and local retail, offices and services as appropriate land uses in the Local Commercial area (pg. 47).

Thoroughfare Plan

The current Westfield Thoroughfare Plan roadway classification map (pg. 4-20, Figure 4-7) identifies State Road 32 as “Primary Arterial 1”, and recommends a minimum seventy-five (75) foot half right-of-way. Dedication of right-of-way in accordance with the recommendations of the Thoroughfare Plan should be required should the requested change in zoning be approved.

The current Westfield Thoroughfare Plan identifies the subject property to be within the East SR 32 Pedestrian Corridor (pg. 4-19, Figure 4.6). The Pedestrian Corridor encompasses the Midland Trace Trail. The Thoroughfare Plan states that “commitments for pedestrian scale structures and architecture, character, and amenities should be pursued in change-in-zoning situations...” (pg. 4-13). Should the requested change in zoning be approved, a commitment to dedicate the portion of the Midland that traverses the subject site to the City and construct (or cause the construction of) that portion of the Midland should be required.

Parks and Recreation Master Plan

The Parks and Recreation Master Plan identifies a development goal to “finalize plans

for... [the] Midland Trail and begin construction [on the trail]" (pg. 15). Should the requested change in zoning be approved, a commitment to dedicate the portion of the Midland that traverses the subject site to the City and construct (or cause the construction of) that portion of the Midland should be required.

Water and Sewer

The Westfield Water Master Plan depicts the subject site as served by an existing water line on the north side of SR 32. The Westfield Water Master Plan does not identify any proposed future water main expansion within or abutting the subject site.

The Westfield Sewer Master Plan depicts the subject site as served by an existing sewer line on the north side of SR 32 at the southwest corner of the intersection of 161st Street and Springmill Road. The Westfield Sewer Master Plan identifies this segment of the sewer network to be upgraded to a force main in the future.

Annexation

The subject site is within the corporate limits.

TECHNICAL REVIEW

This petition was reviewed by the Technical Advisory Committee at the November 28, 2007 TAC meeting. Comments received from agencies in attendance will be provided as a component of any future report to the Westfield City Council.

INDIANA CODE

IC 36-7-4-603 states that reasonable regard shall be paid to:

1. The Comprehensive Plan.

The Land Use Concept Map of the Amended Westfield-Washington Township 2020 Plan identifies the subject site as located in a "Local Commercial" area (pg. 23). The Comprehensive Plan states that local commercial development should be located "only in planned centers and only on streets classified as arterials..." (pg. 47). It further identifies community and local retail, offices and services as appropriate land uses in the Local Commercial area (pg. 47).

2. Current conditions and the character of current structures and uses.

The subject property is currently improved with a drive-thru banking facility and associated parking areas. Neighboring properties to the north and south are improved with single-family residential structures. Neighboring property to the east is used agriculturally, and neighboring property to the west is occupied by a dense stand of mature trees.

3. The most desirable use for which the land is adapted.

The subject property is currently being used non-residentially. Given the community's stated desire to see commercial development along the State Road 32 corridor, the

proposed change in zoning would allow for a broader range of non-residential uses than the current zoning would allow.

4. The conservation of property values throughout the jurisdiction.

This proposed change is expected to have neutral or positive impacts on property values within the vicinity and jurisdiction.

5. Responsible growth and development.

The subject property is partially developed and is wholly within the corporate limits of Westfield. It is contiguous to other development to the north and south, and further development of the subject site would be consistent with the principle of contiguous growth. City services such as water, sewer, and emergency services already exist on the subject property.

COMMITMENTS

Indiana Code 36-7-4, 600 Series allows communities to gain "commitments" from developers through the rezoning process. These commitments are voluntary on the part of the land owner and must be recommended by the APC and approved by the City Council. The submitted petition includes a separate list of written commitments that can be found in Exhibit 2. Westfield Staff has reviewed and agrees with the attached written commitments.

RECOMMENDATION

Issue a positive recommendation to the Westfield City Council.

KMT



Looking south from the credit union's parking lot and drive thru lanes.



Taken from the southwest corner of the site. Looking east at the retention pond.



Taken from the southwest corner of the site. Looking across the future Midland Trace right-of-way at Crestview Subdivision.



Taken from the southwest corner of the site. Looking north along the wooded area.

INDIANA MEMBERS CREDIT UNION

SUMMARY OF PROPOSED WESTFIELD PROPERTY CHANGE

Indiana Members Credit Union (IMCU) has built a credit union branch on State Road 32 east of the town of Westfield at 4002 Westfield Road. IMCU is the second largest credit union in the State of Indiana with 18 branches in central Indiana. The IMCU branch covers 2.0 acres of the 5.5 acre site. IMCU desires to sell the remaining acreage for General Office use and in order to do so needs to have the entire 5.5 acre site designated as an nonresidential center, small.

Westfield zoning ordinance states that lots in the GO district must be at least 3 acres. So, in order to avoid being in violation of this rule the site also needs to be rezoned from GO to GB which has no lot size restriction. Also, by having an integrated center designation the general office(s) on the out lot behind the credit union would have the opportunity to be included on a sign along State Road 32.

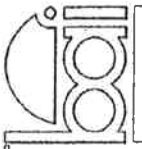
Indiana Members Credit Union wishes to thank the Westfield Community Development Department for their help in this process and the credit union hopes to continue to be a valuable asset and addition to the Westfield community.

Exhibit B

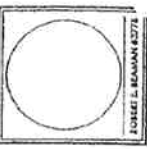
Legal Description

Part of the Northeast Quarter of Section 5, Township 18 North, Range 04 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Commencing at an iron pin marking the Southwest corner of the Southeast Quarter of Section 32, Township 19 North, Range 04 East; thence on the South line of said Quarter Section, South $89^{\circ}47'02''$ East (assumed bearing) a distance of 114.51 feet (calculated from government record calls) to the Northwest corner of the Northeast Quarter of Section 5, Township 18 North Range 04 East and the POINT OF BEGINNING of the herein described real estate; thence continuing on the North line of said Section 5, South $89^{\circ}47'02''$ East 258.08 feet; thence parallel with the West line of the Northeast Quarter of said Section 5, South $00^{\circ}32'57''$ West ~~993.59~~ feet to a point which lies 25.00 feet South, by perpendicular measurement, of the former northerly right-of-way line of the Central Indiana Railroad Company (now abandoned); thence North $88^{\circ}57'16''$ West, parallel with said northerly right-of-way line, 119.99 feet; thence North $00^{\circ}32'57''$ East 25.00 feet to the Southeast corner of land described in a deed to Lyman Brooks, as recorded in Instrument Number 9609644704 in the Office of the Recorder of Hamilton County, Indiana; thence on and along the South line of said Brooks land, also being the northerly right-of-way line of said railroad the following two (2) courses: 1) North $88^{\circ}57'16''$ West 87.55 feet to a point in the West line of said Northeast Quarter Section; 2) continuing North $88^{\circ}57'16''$ West 50.53 feet to the Southwest corner of said Brooks land; thence on the West line of said Brooks, North $00^{\circ}32'55''$ East ~~964.85~~ feet to the Point of Beginning; containing a gross area of 5.796 acres, more or less, and a net area, less the State Road #32 right-of-way, of 5.500 acres, more or less; subject to rights-of-way, easements and restrictions.



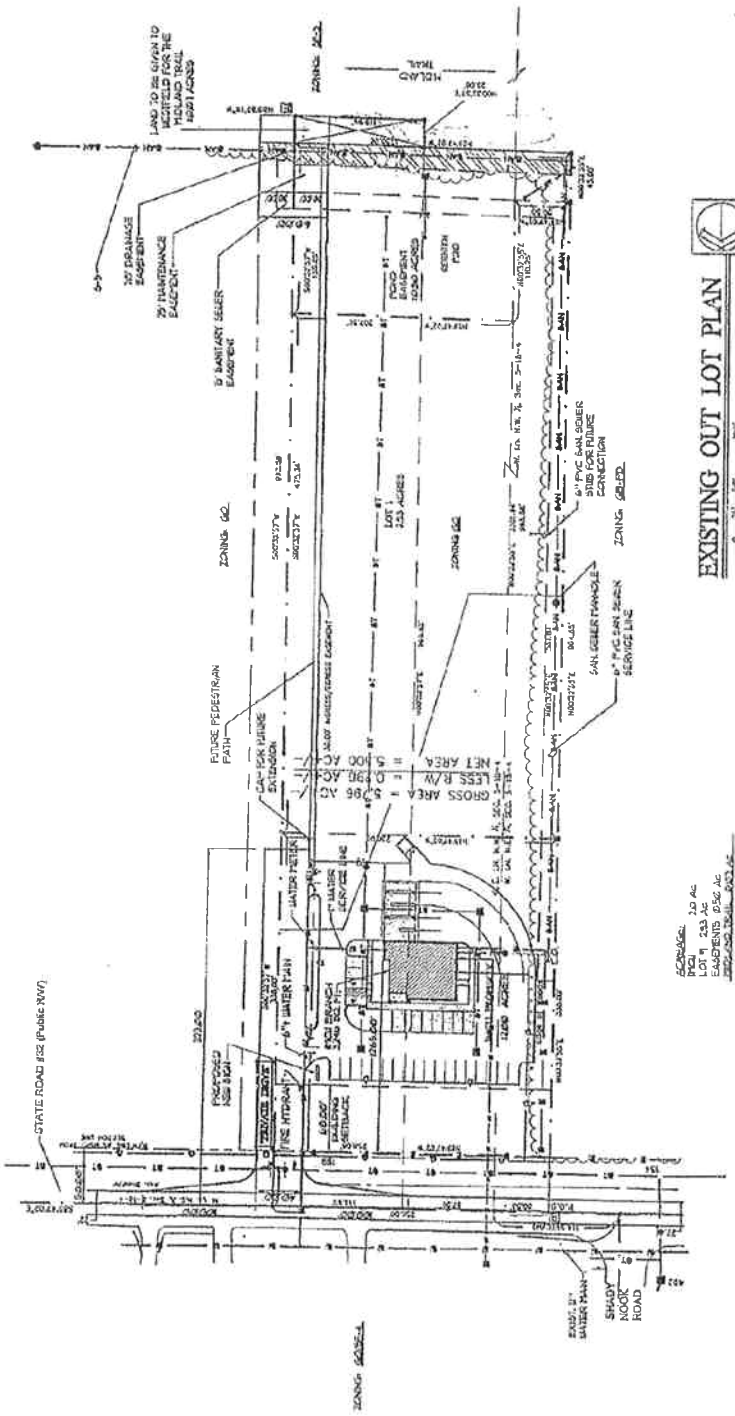
James Associates, Inc.
Architects / Engineers
5105 Madison Avenue
Indianapolis, IN 46227
(317) 755-2540 (317) 794-5100



PROJECT NO. 6901 E
SUBJECT: WESTFIELD PROPERTY (NONRESIDENTIAL CENTER - SMALL)
DATE: NOVEMBER 1991, 2007
REVISIONS:

WESTFIELD PROPERTY (NONRESIDENTIAL CENTER - SMALL)
400 WESTFIELD ROAD WESTFIELD, INDIANA
MONTICELLO Credit Union

10-S
EXISTING OUT LOT PLAN



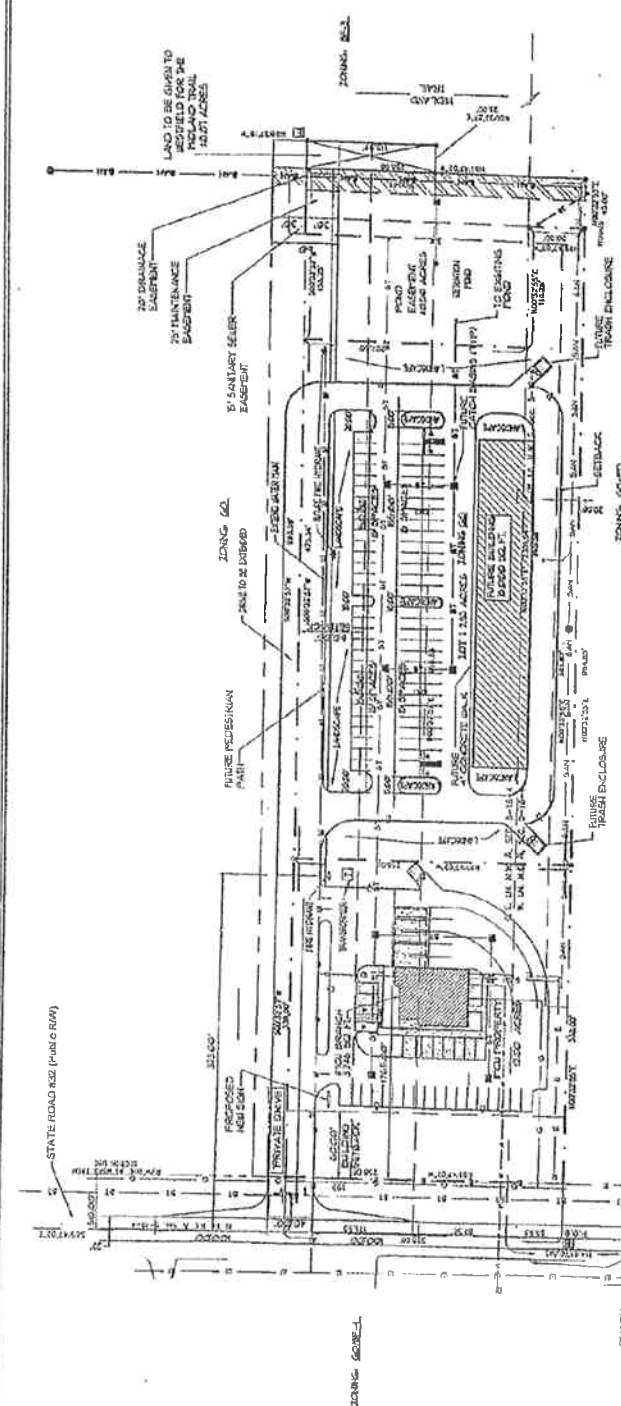
EXISTING OUT LOT PLAN
1" = 50' 0" 20' 30'

NOTE:
OWNER TO INSTALL A PEDESTRIAN
PATH FROM THE GROUND LEVEL
PARKING LOT TO THE FIELD AND
TRAIL WHEN THE FIELD AND TRAIL
PROJECT IS DEVELOPED.

SCENARIO: 1.0 AC
LOT # 123 AC
EASMENTS: 0.5 AC
TOTAL: 55 AC

LEGEND

- Mail Box
- Sign
- Water Tower
- Sanitary Sewer
- Utility Pole
- Powerlines
- Gas Arter
- Power Milling Pole
- Water Valve
- Hand Pole
- Surface Drain
- Detention Trench
- Electric Box
- Telephone Manhole
- Partial End Section
- Flow Optical Meter
- Curb Inlet
- Fence Line
- Gas Line
- 500' Spacing Line
- Overhead Electric
- Overhead Telephone Line
- Water Line



PROPOSED OUT LOT PLAN

6' 20' 50'

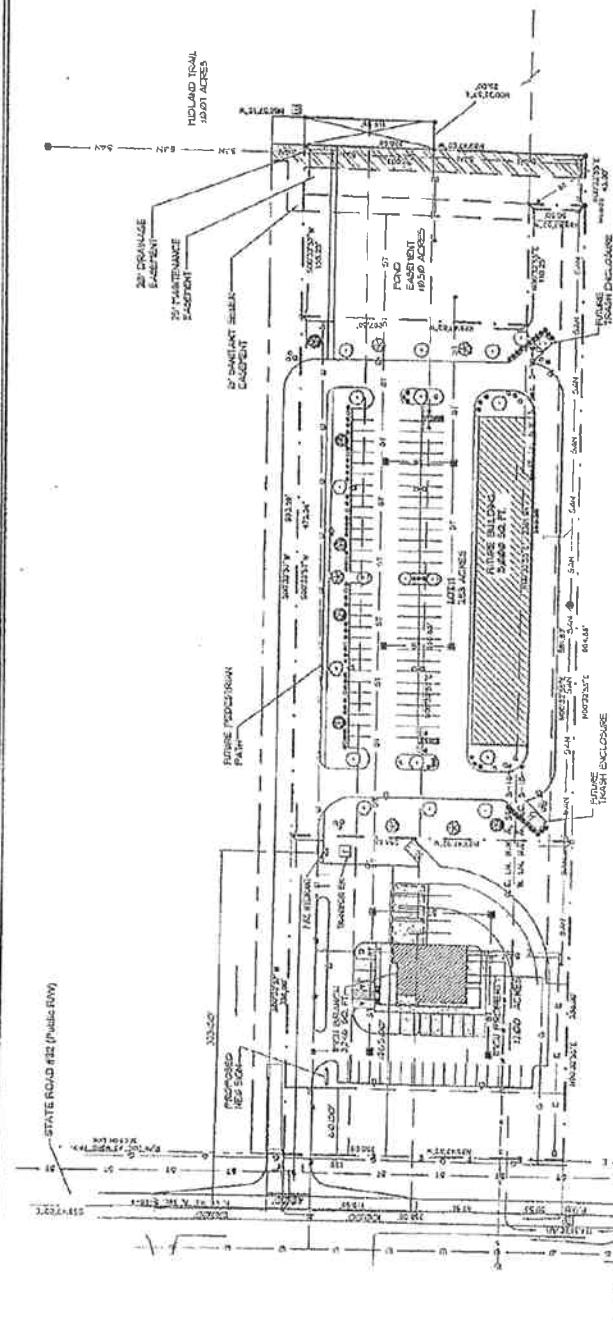
6' 50'

NORTH

NOTE:
OVER TO INSTALL A PEDESTRIAN
PATH FROM THE CREDIT UNION
PARKING LOT TO THE MIDLAND
TRAIL WHEN THE MIDLAND TRAIL
PROJECT IS DEVELOPED.

ACRES/BLK
PLOT 1 2.0 AC
LOT 9 2.0 AC
EASEMENTS 0.50 AC
TOTAL 4.5 AC

- | | | | |
|-----|-------------------|-----|------------------------|
| + | Mail Box | • | Decision Tree |
| III | Stone Wall | ■ | Electric Box |
| — | Sign | □ | Telephone Headset |
| W | Water Meter | + | Panel End Section |
| ⊗ | Sanitary Sewer | △ | Fiber Optics Marker |
| • | Utility Pole | ▷ | Curb Area |
| ○ | Pen/Pot/Quarry | —○— | Panel Line |
| + | Gas Anchor | —•— | Gas Line |
| — | Power/Mining Pole | —■— | Stone Sound Line |
| D | Water Valve | —■— | Overhead Electric |
| ++ | Head Pave | —■— | Buried Telephone Lines |
| ccc | Surface Drains | —■— | Water Lines |



Rank	Description
1	Grave Tree
2	Grave Tree
3	Grave Tree
4	Grave Tree
5	Grave Tree
6	Grave Tree
7	Grave Tree
8	Grave Tree
9	Grave Tree
10	Grave Tree

ACQUISITION	
PROJ	2.0 AC
LOT 9	2.23 AC
EASEMENTS	0.00 AC
TOTAL	4.23 AC

LANDSCAPE PLAN

0' 20' 40'

1" = 40'

NORTH

OWNER TO INSTALL A PEDESTRIAN PATH FROM THE CREDIT UNION PARKING LOT TO THE MIDLAND RAIL WHEN THE MIDLAND TRAIL PROJECT IS DEVELOPED.